

Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(c)) is amended to read as follows:

“(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.”.

Page 127, line 4, strike “or 5 percent” and all that follows through “greater,” on line 6.

Page 129, strike lines 16 through 21 and insert the following:

“(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.”.

Page 130, line 16, insert “and” after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

“directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.”.

Page 131, strike line 6 and all that follows through line 21, and insert the following:

“(m) SMALL CABLE SYSTEMS.—

“(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

“(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, ‘small cable system’ means a cable system that—

“(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

“(B) directly serves fewer than 10,000 cable subscribers in its franchise area.”.

It was decided in the Yeas 148
negative Nays 275

109.8 [Roll No. 628]
AYES—148

Abercrombie	Fields (LA)	Lewis (GA)
Baessler	Filner	Lipinski
Barcia	Foglietta	Lowey
Barrett (WI)	Ford	Luther
Becerra	Frank (MA)	Maloney
Beilenson	Franks (NJ)	Markey
Bereuter	Furse	Mascara
Bishop	Gejdenson	McCarthy
Boehlert	Gilman	McDermott
Borski	Gonzalez	McHugh
Boucher	Gordon	McKinney
Brown (CA)	Green	McNulty
Brown (FL)	Gutierrez	Meehan
Brown (OH)	Hastings (FL)	Meek
Bunning	Hefner	Menendez
Cardin	Hilliard	Mfume
Clay	Hinchey	Minge
Clayton	Holden	Mink
Clement	Horn	Mollohan
Clyburn	Hyde	Moran
Coleman	Jackson-Lee	Morella
Collins (IL)	Jacobs	Murtha
Collins (MI)	Johnson (SD)	Nadler
Conyers	Johnson, E. B.	Neal
Costello	Johnston	Nussle
Coyne	Kanjorski	Oberstar
DeFazio	Kaptur	Obey
DeLauro	Kennedy (MA)	Olver
Dellums	Kennedy (RI)	Owens
Dingell	Kennelly	Pallone
Doyle	Kildee	Payne (NJ)
Duncan	Klecza	Pomeroy
Durbin	Klink	Porter
Engel	LaFalce	Poshard
Evans	Lantos	Rahall
Farr	Leach	Reed
Fattah	Levin	Regula

Rivers
Roemer
Rogers
Roybal-Allard
Rush
Sabó
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Skelton

Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky

Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates

Torkildsen
Towns
Traficant
Upton
Vucanovich
Waldholtz
Walker

Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield

Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Andrews	Moakley	Thurman
Bateman	Ortiz	Williams
Coburn	Reynolds	Young (AK)
Hutchinson	Scarborough	

So the amendment was not agreed to.

109.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. STUPAK:

Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

It was decided in the Yeas 338
affirmative Nays 86

109.10 [Roll No. 629]
AYES—338

Abercrombie	Bryant (TN)	de la Garza
Ackerman	Bryant (TX)	DeFazio
Armey	Burton	DeLauro
Baessler	Calvert	Dellums
Baker (LA)	Camp	Diaz-Balart
Baldacci	Canady	Dicks
Barcia	Cardin	Dingell
Barr	Chambliss	Dixon
Barrett (WI)	Chapman	Doggett
Bartlett	Chrysler	Dooley
Barton	Clay	Doolittle
Bass	Clayton	Dornan
Becerra	Clement	Doyle
Beilenson	Clinger	Dreier
Bentsen	Clyburn	Duncan
Bereuter	Coble	Dunn
Berman	Coburn	Durbin
Bevill	Collins (GA)	Edwards
Bilirakis	Collins (IL)	Ehlers
Bishop	Collins (MI)	Ehrlich
Blute	Condit	Emerson
Boehlert	Conyers	Engel
Bonilla	Cooley	English
Bonior	Costello	Ensign
Borski	Coyne	Eshoo
Brewster	Cramer	Evans
Browder	Crane	Everett
Brown (CA)	Cubin	Farr
Brown (FL)	Cunningham	Fattah
Brown (OH)	Danner	Fawell
Brownback	Davis	Fazio